THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7991 of 2007

Dated:20.04.2007

Between:

Dattagiri and others.

… Petitioners

AND

The Joint Collector and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7991 of 2007

ORDER:

The petitioners claim to be the legal heirs of Anandgiri and Jaiwanthgiri, who were granted Khidmathi Inam (service inam) for performing Archakatvam in Sri Dattatreya Temple situated at Elwath Village of Tanoor Mandal in Adilabad District. The inam land admeasuring Acs.22.10 guntas in Survey Nos.52, 91 and 152 was enjoyed by the petitioners' families as service inam for performing Archakatvam. They approached the Inams Tribunal-cum-Revenue Divisional Officer under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act') and obtained Occupancy Rights Certificate (ORC) vide proceedings of the Inams Tribunal bearing No.D/CR/585/90, dated 08.09.1997. Sometime in October 2001, respondents 3 and 4 and other villagers gave a complaint to the Joint Collector, Adilabad, alleging that the subject land belongs to Dattatreya Temple, and therefore, requested to cancel the ORC granted to the petitioners. They also alleged that the petitioners herein are not at all performing Archakatvam for the last several years, in vain. Subsequently, Sri Narayana Rao and another claiming themselves to be the devotees of Dattatreya Temple filed an appeal under Section 24 of the Act before the Joint Collector. By impugned order in Case No.D4/I/1/2002, dated 28.12.2006, the first respondent set aside the ORC granted to the petitioners.

Learned Counsel for the petitioners submits that as the land is

not the land belonging to Dattatreya Temple, the appellants before the Joint Collector had no *locus standi* to file the appeal, and that the Joint Collector ought not to have interfered with the time barred appeal.

Taking the last submission as first point, the same is devoid of any merit. Under Section 24 of the Act, the appellate authority is given adequate discretion to entertain the appeal, which is filed beyond the period of thirty days. In this case when the land belongs to Dattatreya Temple, ORC given to private persons is in violation of proviso to subsection (1) of Section 4 of the Act, and therefore, this Court does not find any infirmity in the first respondent entertaining the appeal. The submission that the Joint Collector relied on the report of the Mandal Revenue Officer who conducted enquiry without giving notice to the petitioners cannot be accepted. A perusal of the impugned order would show that the Joint Collector mainly relied on the documents like pahanies submitted by the Mandal Revenue Officer in coming to conclusion that the subject land is service inam/Khidmathi Inam land for pooja of Lord Dattatreya. As rightly pointed out by the learned Counsel for respondents 3 and 4, the grant of ORC to a third party ignoring the claims of the charitable and religious institution would certainly be in violation of the proviso to Section 4(1) of the Act. In that view of the matter, the impugned order does not suffer from any infirmity or illegality.

The Writ Petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

20.04.2007
vs